

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: Kansas

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Denial of Payment for New Admissions: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

 x Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

 x Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

In accordance with Kansas Statutes Annotated (K.S.A.) 39-953a, Kansas also imposes the following remedies:

Order prohibiting new admissions to adult care homes; when issued; proceedings; remedy not limiting. (a) At any time the secretary of health and environment initiates any action concerning an adult care home in which it is alleged that there has been a substantial failure to comply with the requirements, standards or rules and regulations established under the adult care home licensure act, that conditions exist in the adult care home which are life threatening or endangering to the residents of the adult care home, that the adult care home is insolvent, or that the adult care home has deficiencies which significantly and adversely affect the health, safety, nutrition or sanitation of the adult care home residents, the secretary may issue an order, pursuant to the emergency proceedings provided for under the Kansas administrative procedure act, prohibiting any new admissions into the adult care home until further determination by the secretary. This remedy granted to the secretary is in addition to any other statutory authority the secretary has relating to the licensure and operation of adult care homes and is not to be construed to limit any of the powers and duties of the secretary under the adult care home licensure act.